



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,306	12/27/2000	Tsutomu Sawada	8279.297US01	5426

7590 08/10/2004

Adam C Volentine
Volentine Francos PLLC
12200 Sunrise Valley Drive Suite 150
Reston, VA 20191

EXAMINER

MAGEE, CHRISTOPHER R

ART UNIT	PAPER NUMBER
----------	--------------

2653

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/749,306

Applicant(s)

SAWADA ET AL.

Examiner

Christopher R. Magee

Art Unit

2653

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-7,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 3 and 8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 2, 4-7, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ikebe et al. (hereinafter Ikebe) (US 6,094,326).

- Regarding claims 1 and 6, Ikebe shows disk cartridge comprising:

a casing body , made of a pair of half shells 1, 2, for rotatably housing a disk-shaped recording medium 10 therein;

a shutter 4 made of a first slider 6 and a shutter plate 41,42, wherein the first slider 6 is slidable in both rightward and leftward directions (Figs. 8A and 8B) with respect to a neutral position in which a window 22, provided in the casing body, through which a drive shaft is inserted and through which a head is allowed to access, is closed, and wherein the casing body has a first guide groove 9 which extends in a direction in which the shutter is opened and closed (col. 14, lines 54-60), and which is formed on a front edge side of one of surfaces of the casing body (Fig. 6);

a first engagement protrusion 64 and a second engagement protrusion 64 that are formed on both side edge portions of an inner surface of the first slider 6 so as to be slidably engaged with the first guide groove 9 (Fig. 16B);

Art Unit: 2653

a pair of second sliders 7 which are slidably engaged with the first guide groove 9 outside the first engagement protrusion and the second engagement protrusion in the first guide groove 9 (Fig. 16B);

a spring 8 means for connecting the pair of second sliders 7 and for pulling them to each other (Fig. 16A); and

stoppers 23, 24, which are projectingly provided on the casing body so as to abut against an inner surface of each of the pair of second sliders 7 (col. 13, lines 45-53; Fig. 16A),

wherein the first guide groove, 9, is formed between an upper surface of a front edge wall of one of the pair of half shells and a lower surface of a front edge wall of the other thereof, along the front edge wall (col. 9, lines 6-9),

wherein the casing body has, at a central portion of the front edge, a cutout portion (not illustrated) which is formed by cutting out the front edge wall of the other thereof and which extends up to the upper surface of the front edge wall of the one thereof (Fig. 16B), and

wherein the first slider 6 and the shutter 4 are mounted on the casing body by inserting the first engagement protrusion 64 and the second engagement protrusion 64 formed on the first slider 6 into the first guide groove 9 through the cutout portion (Fig. 16A).

- Regarding claims 2 and 7, Ikebe shows the cutout portion (not illustrated) is formed generally at a center of the central portion of the front edge of the casing body 2 (Fig. 16A).

• Art Unit: 2653

- Regarding claims 4 and 9, Ikebe shows the first engagement protrusion 64 and the second engagement protrusion 64 are integrated with each other by an extension plate (not illustrated) that extends therebetween (see attached Fig. 16B).

- Regarding claims 5 and 10, Ikebe shows the front edge wall of the other of the pair of half shells extends with its being bent from a front edge of a wall portion which continuously extends throughout an entire width of the other thereof, and

wherein the cutout portion (not illustrated) is made by cutting out part of the front edge wall (Fig. 16A).

Allowable Subject Matter

2. Claims 3 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 5/19/2004 have been fully considered but they are not persuasive.

First, Applicant asserts on page 3:

"That is, the guide groove, into which the slider is engaged, is formed inside the casing, whereas the presently claimed invention recites the first guide groove as being formed on a front edge side of the casing body, and thus is exposed to the outside of the casing body."

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies

Art Unit: 2653

(i.e., *thus is exposed to the outside of the casing body*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Furthermore, Ikebe '326 shows guide groove 9, which extends in a direction in which the shutter is opened and closed (col. 14, lines 54-60), and is formed on a front edge side of one of surfaces of the casing body (Fig. 6) anticipates the invention as presently claimed.

Therefore, the rejection of claim 1 is upheld.

Second, the Applicant contends on page 3:

"It is noted that claim 6 differs from claim 1 in that shutter 6' in claim 6 is an integral one-piece member, whereas the shutter 6 in claim 1 is made of a first slider 3 and a shutter plate 5 (refer to Figs. 1 to 3).

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., *that shutter 6' in claim 6 is an integral one-piece member, whereas the shutter 6 in claim 1 is made of a first slider 3 and a shutter plate 5 (refer to Figs. 1 to 3)*) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Therefore, the rejection of claim 6 is upheld.

• Art Unit: 2653

Conclusion

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R. Magee whose telephone number is (703) 605-4256. The examiner can normally be reached on M-F, 8: 00 am-5: 30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Korzuch can be reached on (703) 305-6137. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

▼ Art Unit: 2653

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher R. Magee
Patent Examiner
Art Unit 2653

August 6, 2004



GEORGE J. LETSCHER
PRIMARY EXAMINER